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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,912	12/30/2004	Richard A MOWERY JR.		2926
7590	06/11/2007		EXAMINER	
Richard A Mowery Jr 911 Morning Sun Lane McGregor, TX 76657				NGUYEN, HUNG T
ART UNIT		PAPER NUMBER		
		2612		
MAIL DATE		DELIVERY MODE		
		06/11/2007 PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/519,912	MOWERY, RICHARD A	
Examiner	<b>Art Unit</b>		
HUNG T. NGUYEN	2612		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 May 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,6-10,12-14 and 23-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,6-10,12-14 and 23-28 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 30 December 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_ .

## DETAILED ACTION

1. After consulted with Legal Instrument Examiner on June 4, 2007 about an original of Bib Data Sheet information as "371 of PCT/US02/39275 filed on 12/07/2002" that is **CORRECTED** and it will be remained in the application, applicant does NOT need to correct anything.

Therefore, amendment to continuing data from BIB DATA SHEET filed on 5/21/2007 as suggested by Examiner was **NOT** corrected which must be **deleted or canceled** as "This International application is relate A to the following US Application 09/632,320 PAT 6,492,897 which was filed on August 4, 2000. This application is a 371 of PCT/US02/39275 12/07/200." Please accept my apology about new rules has been changed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6-10, 12-14 & 23-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 6-10, 12-14 & 23-28 are rejected because the limitations & meanings are unclear which need to amend as suggestions in the following:

Regarding claim 1, line 3, after "street light" insert --and can be an untethered device,  
at least one device is part of a communication system using base stations and handoff--

;

claim 1, line 4, after "a handoff" insert --between a first base station and a second base  
station--;

claim 1, line 4, after "whereby" delete "an" and insert --said-- before "untethered";

claim 1, line 5, "a first base station to a second base station" will be changed to --said  
first base station to said second base station-- after "reassigned from";

Regarding claim 8, line 2, delete "a" and insert --said-- before "street light";

claim 8, line 6, insert --said-- before "street light";

Regarding claim 13, line 3, delete "this" and insert --a-- before "real time";

claim 13, line 4, delete "the" and insert --a-- before "content";

Regarding claim 23, line 1, delete "device" and insert --system-- before "for handoff  
comprising:";

claim 23, line 6, after "request a handoff" insert --from a first base station to second  
base station-- before "using said communication circuitry";

### **Arguments & Responses**

3. Applicant's arguments filed on May 21, 2007 have been considered as claims 1, 6-10, 12-14 & 23-28 are rejected because those claims are NOT clear to understand the meanings. Applicant should amend the claims as suggested by mr. acting SPE Ben Lee as disclosed above.

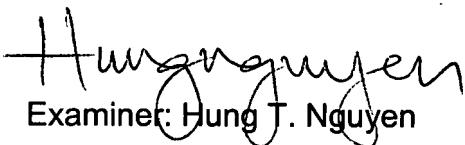
### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu Daniel can be reached on (571) 272-2964. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN  
PRIMARY EXAMINER**

  
Examiner: Hung T. Nguyen

Date: June 4, 2007